

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6720
BILL NUMBER: SB 159

DATE PREPARED: Dec 11, 1998
BILL AMENDED:

SUBJECT: Bail requirements.

FISCAL ANALYST: Susan Preble
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**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill allows a court that admits a defendant to bail to require the defendant to: (1) execute a bail bond with sufficient solvent sureties; (2) deposit cash or securities in an amount equal to the bail; (3) execute a bond secured by real estate where thirty-three hundredths of the true tax value less encumbrances is at least equal to the amount of the bail; (4) post a real estate bond; or (5) perform any combination of these requirements. It provides that if a court requires a defendant to: (1) deposit cash or securities in an amount equal to the defendant's bail; or (2) execute a bail bond by depositing cash or securities with the clerk of the court in an amount not less than 10% of the defendant's bail, the court shall require the defendant to execute an agreement that allows the court to retain all or a part of the cash or securities to pay publicly paid costs of representation and fines, costs, fees, and restitution the court may order the defendant to pay if the defendant is convicted.

Effective Date: July 1, 1999.

Explanation of State Expenditures:

Explanation of State Revenues: This bill could increase state revenue by allowing for the collection of court costs through any funds remaining from a defendant's 10% bail bond. Of the amount collected through court costs in the circuit, superior, county, municipal and probate courts, the clerk distributes 70% for deposit in the state General Fund.

Of the court costs collected through the city or town courts, 55% is distributed to the State General Fund.

Explanation of Local Expenditures:

Explanation of Local Revenues: This bill could increase local revenue by allowing for the collection of court costs through any funds remaining from a defendant's 10% bail bond. Of the amount collected through

court costs in the circuit, superior, county, municipal and probate courts, the clerk distributes 27% for deposit in the county general fund and 3% to the local municipal fund (only if a city or town maintains a law enforcement agency that prosecutes at least 50% of its ordinance violations in a circuit, superior, county or municipal court in the county).

Of the court costs collected through the city or town courts 20% is distributed to the county general fund and 25% to the city or town general fund.

State Agencies Affected:

Local Agencies Affected: Courts; clerks.

Information Sources: IC 33-19-7; Indiana Judicial Report, Vol. I.